

# Juveniles Serving Life in Prison Without The Possibility of Parole

January 24, 2008



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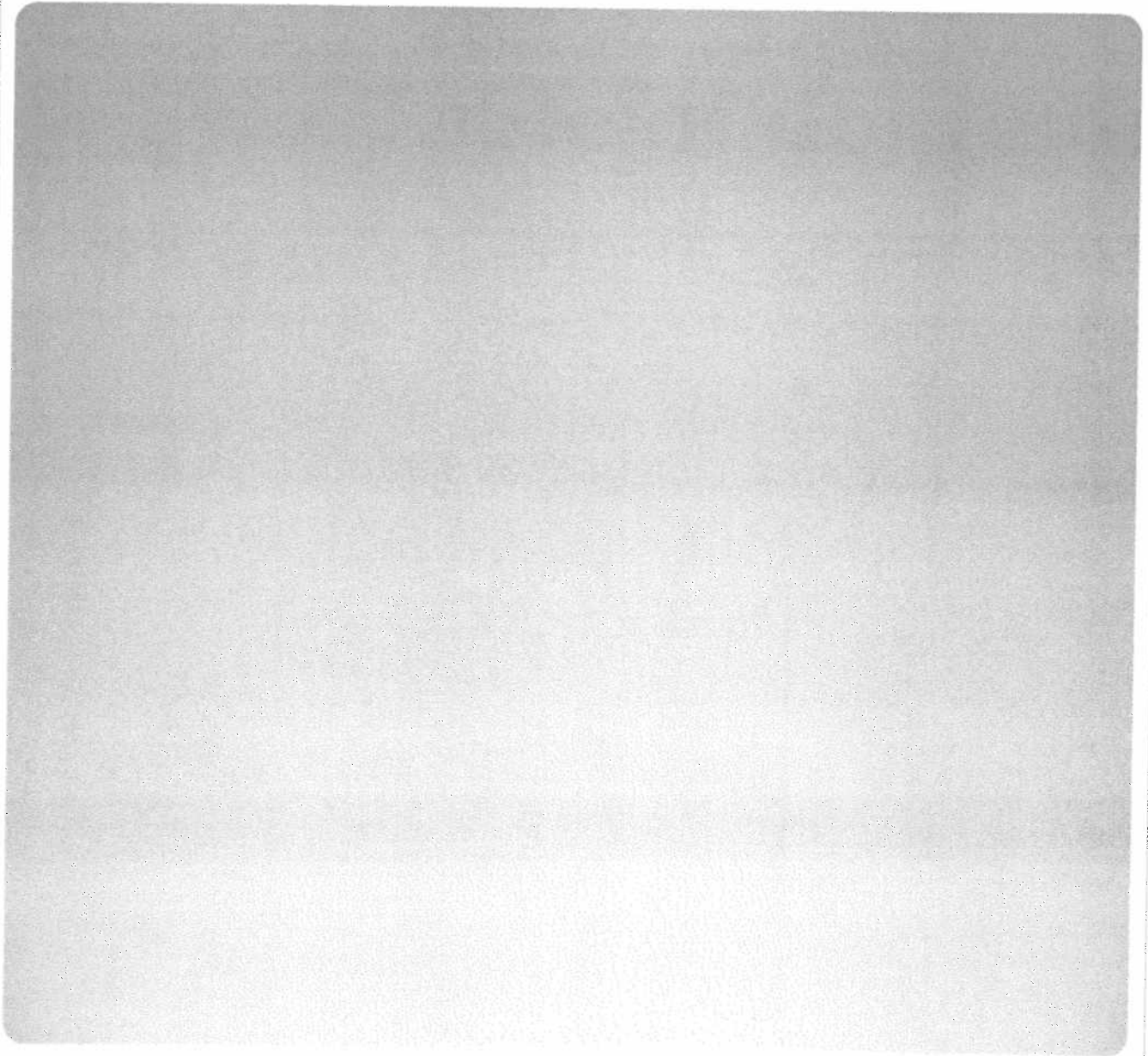
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**Why Are We Here**



## Juvenile Life without Possibility of Parole

*There can be no keener revelation of a society's soul than the way in which it treats its children. "*

*Nelson Mandela*

### INTRODUCTION

Each year in the United States, teenagers as young as thirteen are sentenced to spend the rest of their lives in prison without opportunity for parole (JLWOP) – this means for the remainder of their life. Despite a global consensus that children cannot be held to the same standards of responsibility as adults, the United States allows teenagers to be treated and punished the same as adults, without any consideration of age, maturity or culpability, and without taking steps to ensure their understanding of the legal system.

Changes in U.S. law over the past fifteen years have led to the sentencing of over two thousand teenagers to life without parole which means that they will remain in prison without release until death. There is no opportunity for parole – ever. **The Convention on the Rights of the Child explicitly prohibits these harsh sentences although the United States stands out as the only country, besides Somalia, that has not ratified the treaty.** The international community is generally united in the view that teenagers should not be sentenced to life without parole and that their unique circumstances, and the hope of rehabilitation, must be considered in deciding punishment.

Consistent with their international obligations, all but fourteen states have outlawed JLWOP. Of those fourteen, only three presently have prisoners serving LWOP sentences for crimes committed as teenagers, and those states have about a dozen prisoners combined. The State of Michigan, on the other hand, currently holds over 307 men and women who were sentenced to life without parole as juveniles.

### MICHIGAN LAW

Since 1996, twenty-eight youthful offenders, ranging in age from 14 to 16, were tried as adults in Michigan without any consideration of their maturity level or status as a juvenile. The remainder were sentenced for crimes committed when they were 17 years old; neither the juries that heard their cases, nor the judges who issued their sentences, had any discretion to mete out lesser sentences. All have served their time in adult prisons.

In Michigan, prosecutors alone have the authority to determine whether a child should be waived into adult court. There is no minimum age at which juveniles can be tried as adults and sent to prison for natural life.

The overwhelming majority of those sentenced – 221 --are minorities; 69% are African-American although African Americans account for only 15% of Michigan's youth population.

The treatment of children who enter the criminal justice system is at odds with other areas of American law which recognize that children lack the capacity to handle adult

responsibilities. Thus, children under the age of eighteen cannot legally use alcohol, serve on juries, vote, sign a contract, or be drafted. Similarly, children under the age of sixteen may not, without court permission, live away from their parents, drive, make decisions related to their education or medical treatment, or leave school.

### **CHILDREN DESERVE PROTECTION**

The right to special protection of the child is a well-established principle of international law and is reflected in all major human rights treaties concerning the rights of the child. The ICCPR provides that "[e]very child shall have . . . the right to such measures of special protection as are required by his status as a minor." The American Convention establishes that "every minor child has the right to the measures of protection required by his condition as a minor on the part of his family, society, and the state." According to the Inter-American Court, the special protection of children derives "from the specific situation of children, taking into account their weakness, immaturity or inexperience." The Inter-American Commission on Human Rights (IACHR) has recognized that the obligation to provide special protection for children "includes ensuring the well-being of juvenile offenders and endeavor[ing] their rehabilitation."

### **CHILDREN CAN BE REHABILITATED**

International law also provides that the child is entitled to treatment which encourages rehabilitation. The Inter-American Court has held that, "When the State apparatus has to intervene in offenses committed by minors, it should make substantial efforts to guarantee their rehabilitation in order to 'allow them to play a constructive and productive role in society.'" The U.S. Supreme Court, in *Roper v. Simmons*, outlawed the death penalty for those 17 and younger, recognizing the potential to rehabilitate children stating, "It would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor's character deficiencies will be reformed." Recognizing the special needs of the child and the goal of rehabilitation, international law emphasizes that incarceration of juveniles should be for the shortest duration possible. Accordingly, the CRC absolutely prohibits life without parole and establishes that imprisonment of persons under 18 years old must be for the shortest appropriate period of time.

### **LIFE WITHOUT PAROLE VIOLATES THE HUMAN RIGHTS OF CHILDREN**

These laws violate well established international standards explicitly prohibiting juvenile life without parole. These include the American Declaration of the Rights and Duties of Man, which guarantees the right of children to special protection (Article VII), the right to be free from cruel infamous and degrading treatment (Article XXVI), and the right to due process (Article XXV). It violates the International Covenant on Civil and Political Rights (ICCPR) and the Covenant for the Elimination of All Forms of Racial Discrimination (CERD), both of which prohibit racial discrimination. It violates the Convention Against Torture, Cruel, Inhumane, and Degrading Treatment (CAT), which obligates countries to prevent torture and cruel, inhuman or degrading treatment or punishment. Finally, it violates the Convention on the Rights of the Child (CRC), which requires, among other things, consideration of the best interests of the child.



While an LWOP sentence would be difficult for any person, teenagers are especially vulnerable to life sentences. Held in adult prisons and jails, they are at a much greater risk of harm than their peers in juvenile facilities. Sexual assault of teenagers is five times more likely in adult facilities and beatings by staff are almost twice as likely. Because of their young age and smaller size, teenagers are often the prey for sexual predators and are over-represented as victims of custodial sexual misconduct.

The mental anguish faced by teenagers who receive life sentences is reflected in the fact that their suicide rate in adult prisons is *eight times* that of teenagers in juvenile detention facilities. Psychological studies have found that the negative mental effects of imprisonment increase the longer one is imprisoned but decrease as time of release nears. Since JLWOP prisoners know they will never be released, there is no brake for a downward spiraling emotional state.

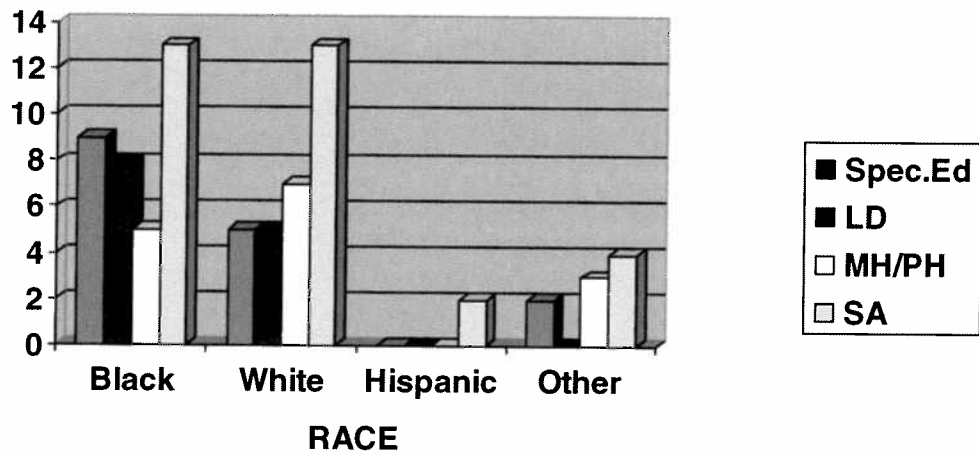
## CONCLUSION

Teenagers should be held accountable for their violent crimes, but it should be in a manner that recognizes their physiologic, psychological and emotional capabilities and full consideration of the circumstances surrounding the crime. Judges should have discretion about appropriate punishments.

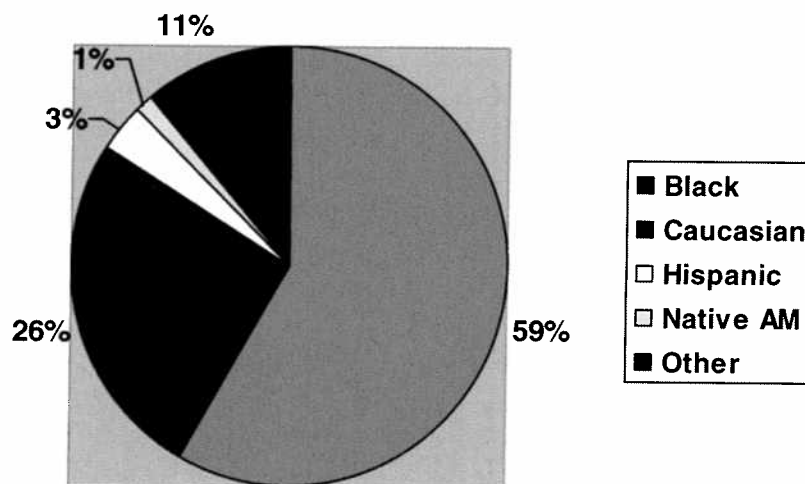
## **Summary of Bills**

- HB 4402/SB 40: These bills amend Michigan's Penal Code to prohibit sentencing juveniles to lifetime imprisonment without the possibility of parole.
- HB 4403/SB 28: These bills amend Michigan's Probate Code, which determines the factors that allow a juvenile to be treated as an adult, to prohibit a juvenile from being sentenced to life without the chance of parole.
- HB 4404/SB 06: These bills amend Michigan's Code of Criminal Procedure, which determines the crimes for which a juvenile may be treated as an adult, to prohibit a court from sentencing a juvenile to life in prison without the possibility of parole.
- HB 4405/SB 09: These bills amend Michigan's Corrections Code to require the parole board to consider these factors when deciding if an individual convicted as a juvenile, who has served 10 years of his/her sentence, may be released on parole:
  1. The individual's age and level of maturity at the time of the offense.
  2. The individual's degree of participation in the offense.
  3. The nature and severity of the offense.
  4. The individual's history of juvenile or criminal offenses.
  5. The individual's likelihood to commit future offenses.
  6. Any other relevant information.

**Characteristics of Lifers with No Prior Juvenile History**

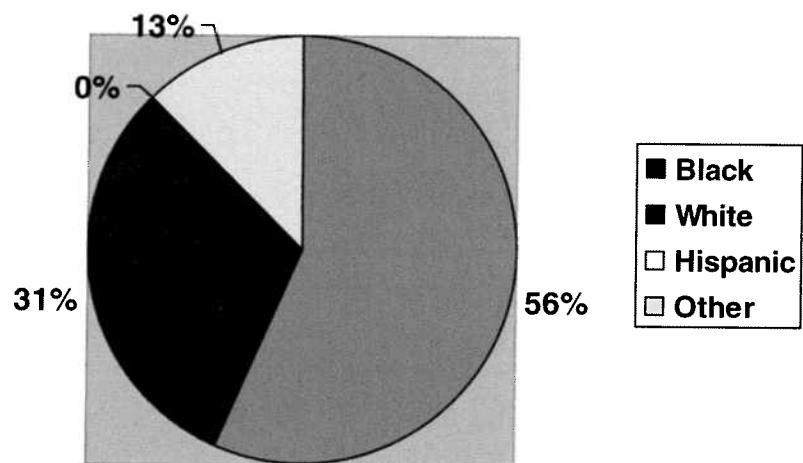


**Percentage of JLWOP by Race**



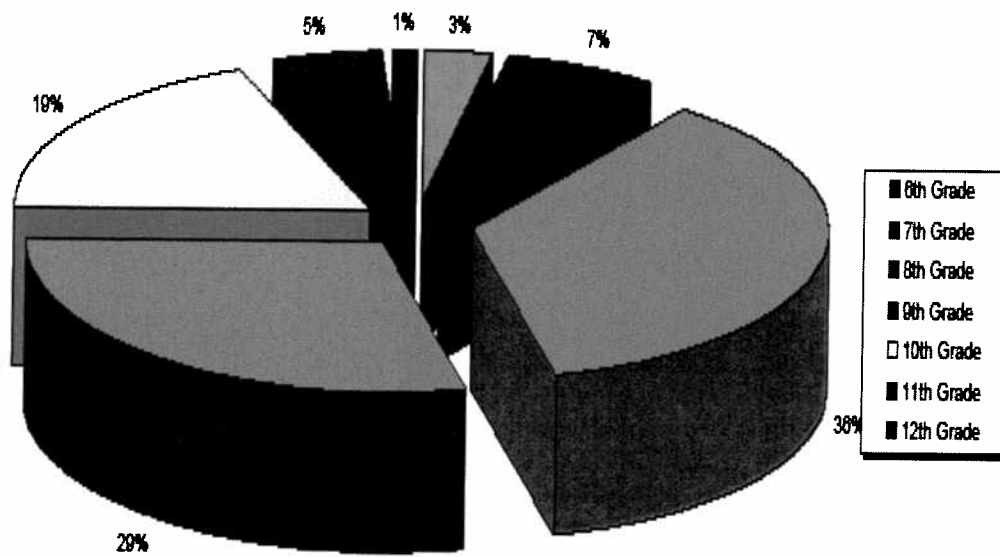


### Characteristics of Lifers with No Prior Juvenile History





LAST GRADE COMPLETED : JLWOP



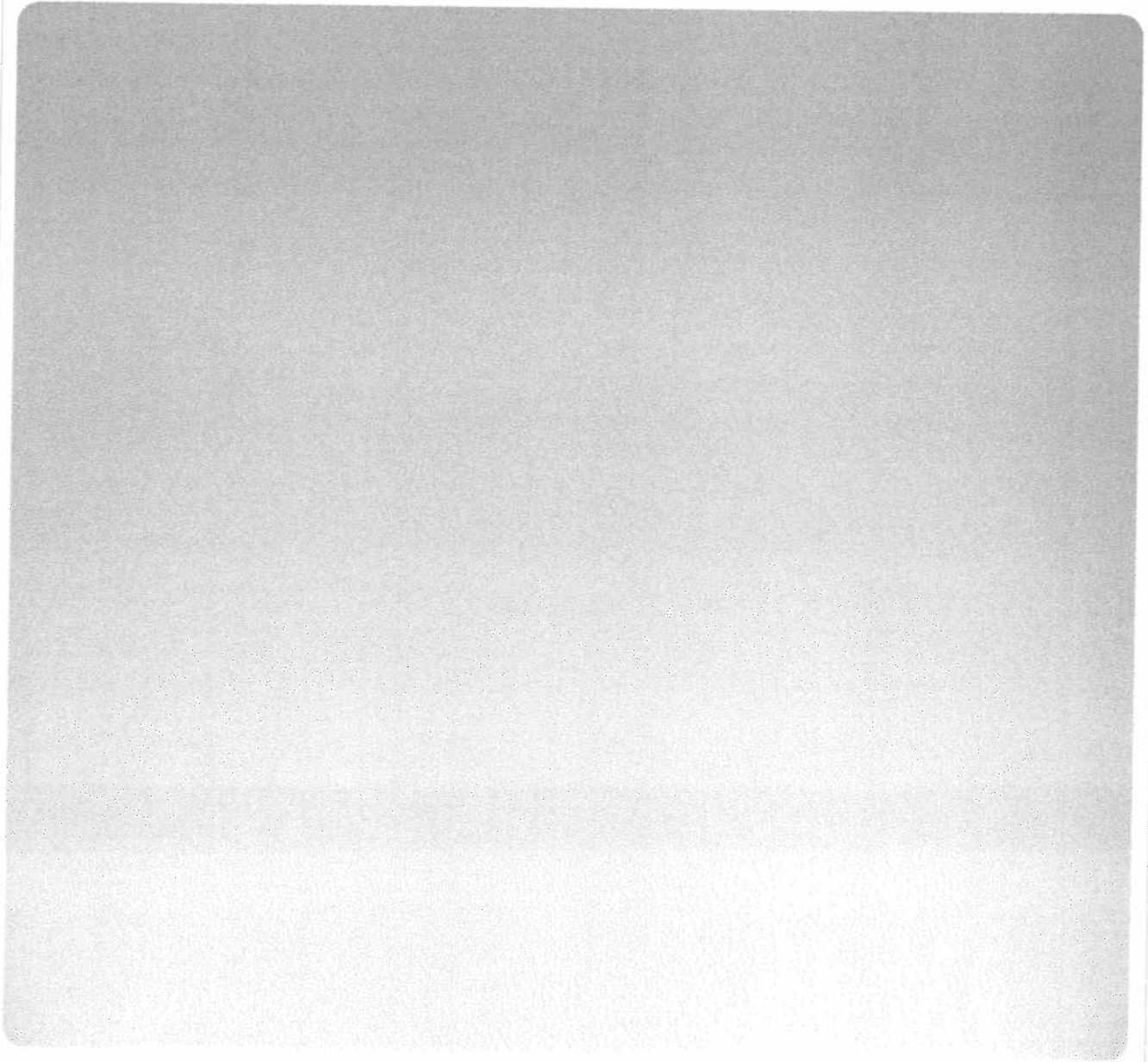




## **10 Reasons Juvenile Life Without Parole Sentencing Does Not Serve the Interests of Justice**

1. Strips judges of their discretion to determine whether a life sentence without parole for a particular child is actually in the best interest of both the child and the broader society;
2. Imposes the same severe punishment on children who are not the primary actors in the crimes (e.g., children convicted of felony murder, or those convicted of aiding and abetting) as those who have the highest levels of culpability;
3. Provides for the automatic waiver of juvenile court jurisdiction, thereby eliminating individualized consideration of critical factors such as: age, maturity and the degree of culpability;
4. Results in the placement of children in adult facilities when studies show that children in adult prisons are five times more likely to be sexually assaulted,
5. Raises concerns about professional capacity of prison personnel as children in adult facilities are twice as likely to be beaten by prison guards and other staff;
6. Poses additional risks as children in adult facilities are 50% more likely to be attacked with a weapon;
7. Ignores treatment options for the 6% of children incarcerated in Michigan who are learning disabled and suffering from mental health problems.
8. Maintains racially discriminatory sentencing patterns (more than two-thirds of the 307 persons sentenced to juvenile life sentences without parole are of African descent);
9. Places the State of Michigan at risk of violating the Eighth Amendment, because in particular cases, a juvenile life sentence without parole may be grossly disproportionate to the crime and constitute "cruel and unusual" treatment; and
10. The law in the State of Michigan is in stark conflict with international legal norms that do not support juvenile life sentences without parole. (See: Convention on the Rights of the Child; American Declaration on the Rights and Duties of Man; U.N. Standard Minimum Rules for the Administration of Juvenile Justice.)





# Judicial Support



Judge James H. Lincoln, Retired

1829 South Lakeshore  
Harbor Beach, Michigan 48447  
989-479-6310

January 17, 2008

To: ALCU

From: Judge James H. Lincoln (Ret)

Re: Request for Written Testimony Regarding Juvenile Sentencing

My experience in the adult corrections system as a private practice attorney, as an assistant prosecutor in Wayne County in the early 1950's and a member of the Michigan Corrections Commission from 1984 to 1991, gives me almost as much experience in adult corrections as in juvenile justice for which my experience was as the only Wayne County Juvenile Judge from May 1960 to January 1975. I retired in 1977.

The fact that I'm only one of three Judges in Michigan to have a courthouse named in their honor (Frank Murphy, Theodore Levin, James H. Lincoln) should not make members of the Legislature think I speak as only a Juvenile Court Judge. My views of justice come as much from my knowledge of the adult corrections system.

Please note the attached resolution adopted by Republican appointees of the Michigan Corrections Commission concerning my record and contributions while on the Commission. Richard McCellan and others were all appointees of then Governor Engler. Thus a considerable part of my 91 years have been spent in either the adult corrections system or the juvenile justice system.

While a Judge in the juvenile justice system I entered orders for over 500 juveniles to be tried in adult courts. I do not care to be viewed as a tender hearted Judge when public safety is the focus of an issue.

The fact is that to condemn a juvenile to a life sentence or lengthy prison sentence without the possibility of parole is an injustice that is outrageous and refutes our assertion that a democracy is the most desirable or at best the least worst form of Government in the world.

**I STRONGLY RECOMMEND THAT THE MICHIGAN LEGISLATURE ENACTS LEGISLATION THAT ALLOWS PAROLE FOR JUVENILES IN LIFE SENTENCING SITUATIONS.**

Judge James H. Lincoln (Ret)

*James H. Lincoln*  
*Case 41*

Cc: Representative Terry Brown

## A Resolution of Tribute and Honor to James H. Lincoln

Whereas, James H. Lincoln was selected to serve on the State Corrections Commission in 1984 by the former governor James J. Blanchard and

Whereas, Judge Lincoln served on the Commission, until it was abolished, with a profound sense of responsibility and dedication; and

Whereas, Though Judge Lincoln had considerable knowledge of the field of Corrections, he always observed that the more he found out about the operation of prisons, the more he realized how very complicated and difficult the job was; and

Whereas, This former probate judge was able to put the affairs of the Department into perspective because of his long experiences in the field of criminal justice and the affairs of state; and

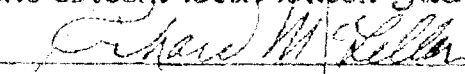
Whereas, Judge Lincoln made finding solutions to the problems of the Department a priority, devoting considerable time researching the issues and preparing written material on proposed remedies; and


Whereas, This Commissioner was always willing to speak his mind and be critical of both the Commission and the Department if he felt it was appropriate; and

Whereas, Judge Lincoln put the needs of the state ahead of the self-interests of individuals, going even so far as to support abolishment of the Commission when he believed that would be beneficial; be it, therefore

Resolved, That the members of last State Corrections Commission pay this special tribute to James H. Lincoln for his years of dedicated service and be it further

Resolved, That this tribute be conveyed to Judge Lincoln as a token of the esteem with which Judge Lincoln is held.

  
Richard McCollan, Chair

  
David Porteous

  
Kurtis Wilder

  
Dana Wilson

April 22, 1991  
Date

“Don’t ask the judge to look into a crystal ball today and predict five years down the road.

**Give the juvenile system a chance to rehabilitate.** Don’t predict today, at sentencing, whether the child will or will not be rehabilitated, but keep the options open.”

Hon. Eugene Arthur Moore (during Nathaniel Abraham’s sentencing)

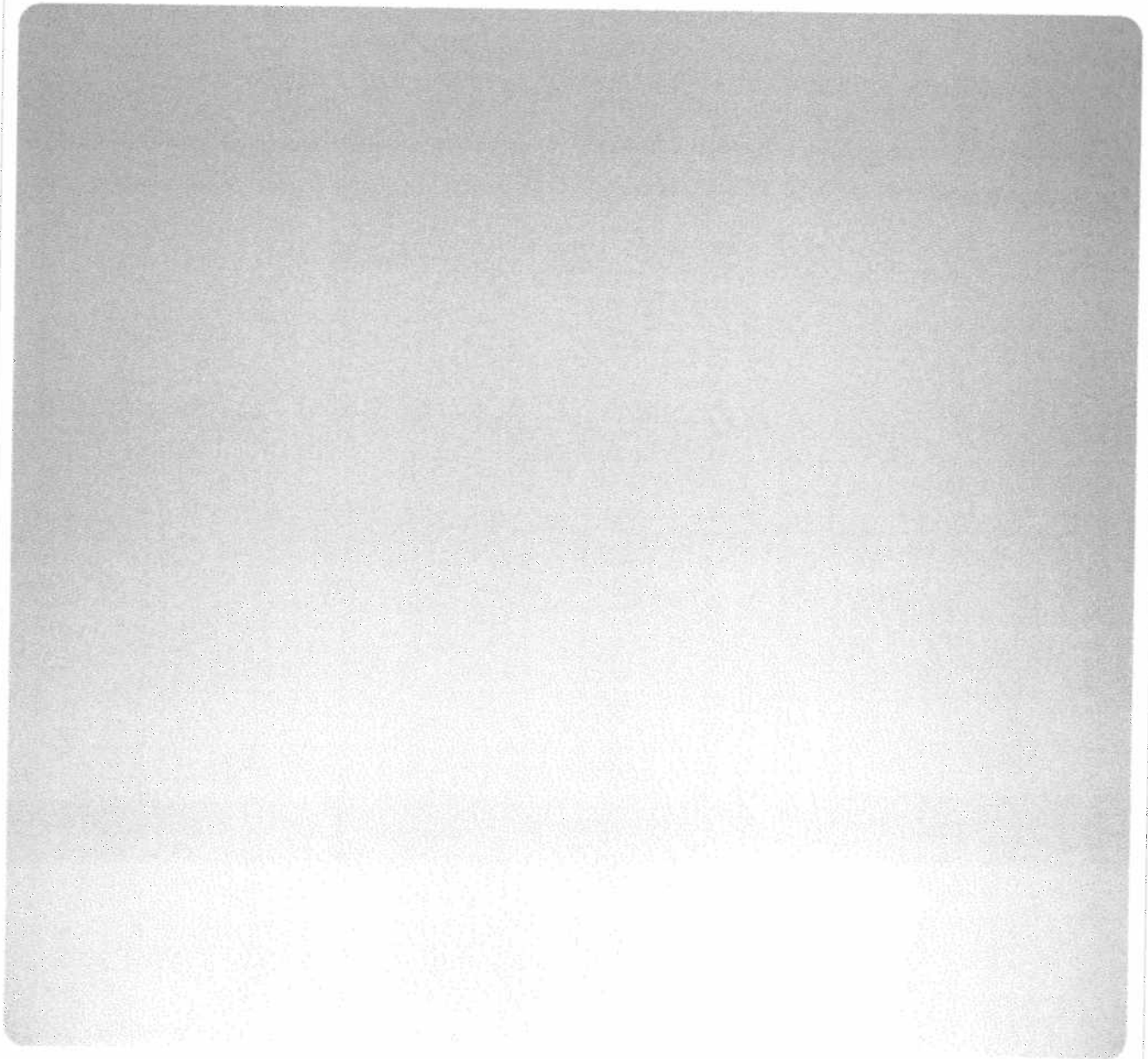
"My sense is he got caught up in the moment. It's one of those times when you really look at the person and say, **'Given his youth and given his role, he deserves another shot at life.'**"

Hon. Phillip D. Schaefer  
(during Edmonds sentencing)

Judge Phillip D. Schaefer . . . ordered Edmonds to spend five years on probation and pay more than \$303,000 in victim restitution as part of a special sentence fashioned for him because of [his victims]

request.





# Personal Stories





**Toni R. Bunton**

Age at Conviction: 17

Conviction: Felony Murder, aiding & abetting

Sentence: LWOP (1991)

Actual Circumstances: Driver

Time Served: 17 years

**Current Age: 34**

## ***Toni R. Bunton #221034***

As a 17 year old, I agreed to accept \$50.00 dollars to be the driver in a marijuana deal. I did not realize I was committing a crime. I knew selling marijuana was illegal but "I wasn't selling it" my male co-defendant was. I did not know the laws of aiding and abetting or realize the possibility that a small marijuana sale could turn deadly.

The deal turned armed robbery when the buyers tried to rob the sellers; the sellers also robbed the buyers. Two teenage boys were shot, one died. I was charged with murder as an aide and abettor. Within 5 months, I was tried by a jury and received a sentence of up to 50 years in prison.

17 years later, I'm a 34-year-old woman who has spent half my life in prison. I had to grow up under some of the harshest circumstances, struggling to survive in an environment where drugs and rape were prevalent and almost impossible to avoid.

Despite the odds I managed to become a role-model prisoner with only one minor infraction and a long list of personal as well as academic achievements including:

- ✓ *Bachelor Degree and Master Degrees in Business Administration*
- ✓ *Business Education Technology Vocational Graduate*
- ✓ *Visual Communications Vocational Graduate (computer aided design)*
- ✓ *Completion of (5) five yearlong University of Michigan classes in Sociology, Women's studies, Communications and Drugs Crime & Justice.*
- ✓ *Published "Visiting Jesus" and "Colors of Abuse" in Lyceum, anthology of short stories.*

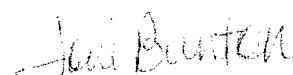
I serve as the President of the National Lifers of America (NLA) women's chapter 1014, and the Juvenile Lifer Coordinator thus motivating other prisoner's like myself, who committed their crime while a teenager, to be proactive about their incarceration and fight for a ***second chance***. I work full time tutoring students in Word, Excel, PowerPoint and various business communication techniques as well as volunteer as a facilitator for a weight management class.

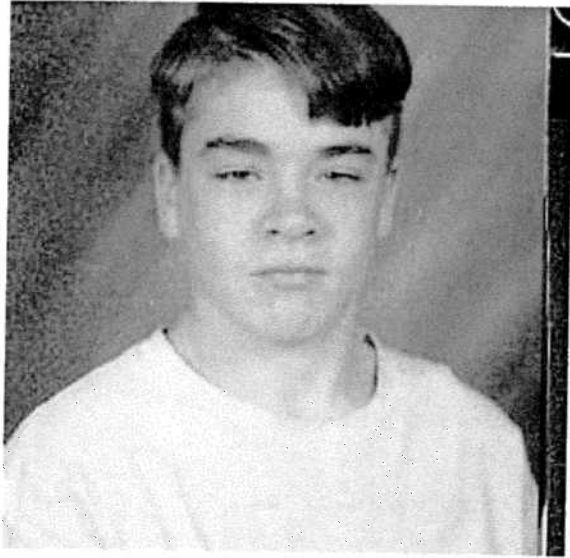
The naïve 17 year old I was is a bad memory. I never should have been involved in this senseless crime. I deserved to be punished and I have been punished. I think about the family of my victim daily and pray God gives them peace. I cannot change what I did but I have changed who I am - a woman with integrity, a high value system and strong commitment to helping others. If I'm given a ***second chance*** I will volunteer as a public speaker in High Schools educating our youth on crime & punishment. I want to share my story with teenagers so they know how easily they could find themselves in my situation if they don't stay away from the wrong crowd.

I have done everything I could possible do to prepare myself for a successful future outside of prison walls. I am not a threat to society and my record over the last 17 years proves it. I believe God has given me a ***second chance*** at my adult life through forgiveness... I pray God will move your heart to do the same.

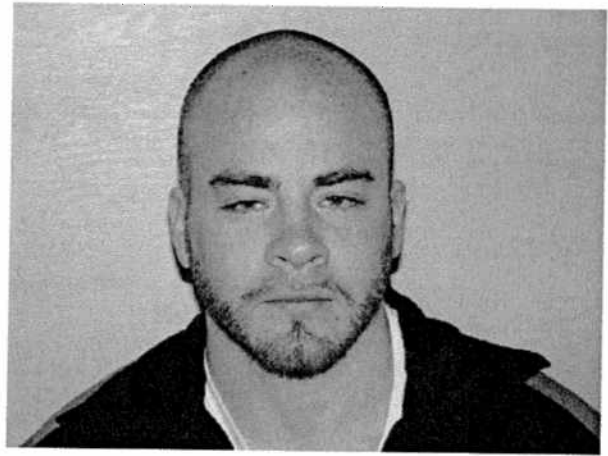
Thank you,

Toni Bunton





Mark – 15 years old



Mark – 23 years old

**Mark Gonzalez**

Age at Conviction: 15

Conviction: First Degree Murder

Sentence: LWOP (1999)

Time Served: 8 years

**Current Age: 23**

To: Deborah Labelle Attorney  
221 N. Main St Suite 300  
Ann Arbor MI. 48104

From: Alan & Kathryn Lawler  
6250 River Rd  
Flushing, MI 48433  
810.720.3613

Subject: Mark A. Gonzalez Juvenile serving life sentence for first degree murder  
sentenced at age 16 years old.

This letter will recount our opinion and recollection of the events that happened on  
July 20 1999 and there after concerning our son Mark A. Gonzalez.

We would like to remember the victim Mark Harris and will always regret that our son  
was involved in the beating and death of this man.

By mid day of July 20 1999 we were still unaware of the events that took place the  
evening prior. My wife and I remember a Burton police officer coming over to the house  
and asking for Mark, he was not there and we did not know where he was. We asked the  
officer why he was looking for him he did not give us an answer. Later on that day as  
word travels we realized what had taken place but did not know to what extent our son  
was involved. My wife stayed home while I went looking for Mark in the surrounding  
neighborhoods. We were unable to find him and checked the police station and they had  
not picked him up yet this was around 6:00 pm. Finally the police caught up with Mark at  
his friend's house some 15 miles away we later found out. We arrived at the police  
station around dusk with Marks father Bob Gonzalez and asked to see Mark. They would  
not let us see him when we first arrived; we would not be allowed to see him until after  
11:00 pm. Mark had already signed a confession and he was sobbing heavily. We were  
totally blind sided by all this and so was Mark. Mark had never had any prior dealing  
with the police or the justice system nor did we. We believe Marks fate was sealed long  
before we were able to see him or attempt to get counsel for him.

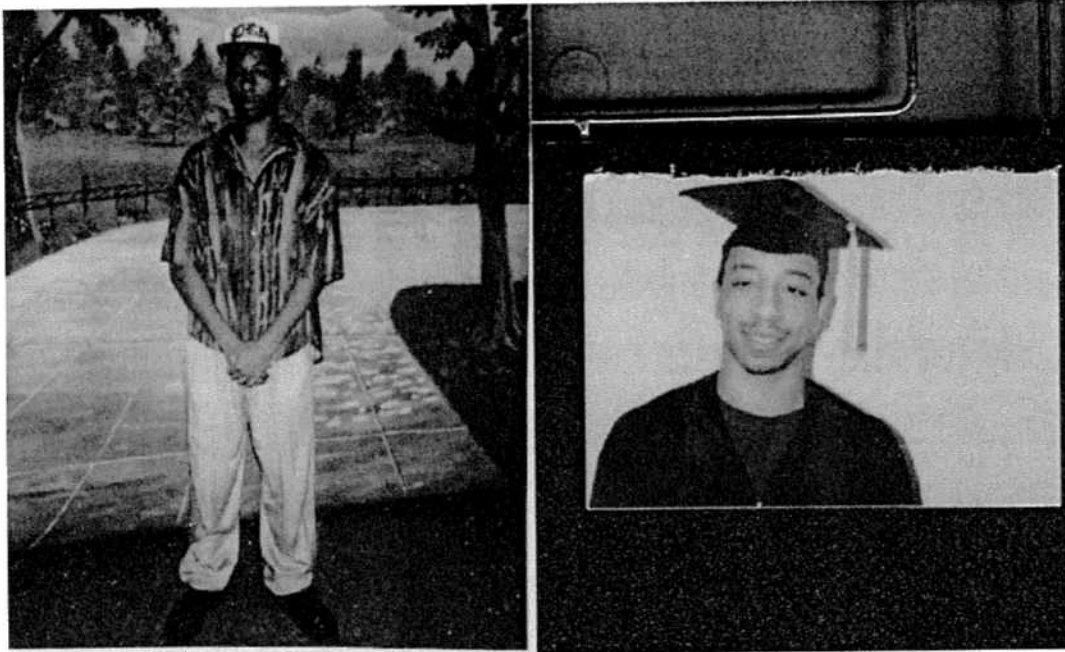
We were able to get counsel for him for the preliminary trials but could not afford the  
money when he was bound over for trial. Mark was given a court appointed attorney.  
This was our biggest mistake. We believe if we could have afforded an attorney Mark  
would have had a chance for a second degree charge. We believe this because two out of  
the four boys involved in this crime received second degree with there own attorneys  
Mark and the other boy received first degree; they had court appointed.

The prosecuting attorney determined that Mark and the three boys were all a gang and  
made Mark the ring leader. They were not a gang they were out that night and just merely  
ran into one another as the evening went on. Alcohol and drugs were used by all and the  
driving force behind the murder. the victim is the one who bought the alcohol for them  
and some parents provided the marijuana.

This blanket law that puts all juveniles in the same boat with no consideration for there back ground or prior experiences with the law is completely unfair. To sentence a 16 year old or even a 14 year old as the law reads to life without parole and giving the prosecuting attorney sole power to do this is ludicrous. While there has to be punishment we believe our society should not put juveniles behind bars for life. Many states and third world countries do not do this. We believe Mark deserves a SECOND CHANCE and would ask any legislator to consider the Second Chance Legislation Bill 4402- 4405 to reform the current law into a more reasonable law to not punish for life.

Sincerely,

Alan & Kathryn Lawler



Will X. (f/k/a Willie Servant) in 1991 (Left) and 2004 (Right)

### **Willie Servant (a/k/a Will X)**

Age at Conviction: 17

Conviction: Unknown

Sentence: LWOP (1991)

Time Served: 17 years

**Current Age: 34**



In The Name of Allah  
The Most Gracious The Most Merciful

Jan. 14, 2008

As-Salamu Alaykum  
(Peace be unto you)

Dear Legislators(s)

I pray that you descend upon you all under the  
Divine Protection of the Creator.

My name is Will X & I address you from my  
cell at Marquette Branch Prison at the tender age of 17 in 1991,  
I was sentenced to life without the possibility of parole as a  
brainwashed, misguided, self-hating juvenile. The Apostle Paul says in the  
Bible, "When I was a child, I spoke as a child, I understood as a  
child, I thought as a child; but when I became a man, I put away  
childish things."

In 1991, at the age of 17 I was a child. However,  
in 2008 at the age of 34 I am a man today due to the current juvenile  
laws I am unable to show the world, particularly those I offended  
as a child, that I am a man & have put away childish things.

Since my incarceration in 1991 & during my course  
of self-development, self-improvement & self-analysis I have come to  
understand the value of life; the meaning of reconciliation & redemption; I  
have become a minister; I earned my GED, I received certificates in  
"Entrepreneurship I & II, Vocational Skills, American Government I & II,  
Bridge For Employment, Working with Teams I, Working with Teams II,  
Spanish I & II, Finding & Holding a Job, Health Skills for Wellness I & II"

I am not that 17 year old from 1991. I have a lot to give to not only my community of Dedham, but those who I come in contact with. However, I cannot do this without your help. This is why I urge you to vote to pass these juvenile bills to change the state laws regarding sending juveniles to life imprisonment without parole.

I will close with this Scripture from the bible. John the Revelator said, "Indeed, the devil is about to throw some of you into prison, that you may be tested, & you will have tribulation ten days." It has been 16 years of trials & tribulations. So I ask you again, please vote in support of these bills to allow for this man to show that he is no longer a child.

Thank you for your time & may Allah (God) bless you all with the Light of Understanding & Compassion.

Sincerely,

Jill  
Minister Will X.

**Efren Paredes, Jr.**

Age at Conviction:  
15

Conviction:  
murder; armed  
robbery

Sentence: LWOP  
(1989)

Time Served: 19  
years

**Current Age: 34**

"In *The Spirit of Youth and the City Streets*, Jane Addams, the Nobel Prize winning social worker and crusader for the juvenile court, emphasized that youth above all is about possibility and that 'we may either smother the divine fire of youth or we may feed it.' We reject life without the possibility of parole sentences because they smother the divine fire of youth. They are an expression of despair that has no place in any system that aims to take seriously youth as a mitigating factor." —David S. Tanenhaus, Steven A. Drizin, "*Owing to the Extreme Youth of the Accused*": *The Changing Legal Response to Juvenile Homicide*, 92 *The Journal of Criminal Law and Criminology* (1973-) 641 (2002)

December 25, 2007

The Honorable Paul Condino  
State Representative  
State Capitol  
P.O. Box 30014  
Lansing, MI 48909-7514

Dear Representative Condino and Other Distinguished Members of the Michigan Legislature:

I write to express that I echo the call of the proponents to end the imposition of life without parole sentences on juveniles in the State of Michigan. Their opposition to this human rights violation is commensurate with 192 other nations of conscience in the civilized world. I support their appeal to this honorable legislative body for the reasons they have raised and I include additional reasons below.

For nearly 19 years I have been imprisoned for a crime I did not commit. I was convicted in 1989 of one count of murder and one count of armed robbery. I was subsequently sentenced to two terms of life without parole for the murder charge and one parolable life sentence for the armed robbery. My guidelines for the armed robbery charge was 3 to 8 years. I was 15-years-old at the time of my arrest. Previous to this arrest I had no criminal history of any kind in adult or juvenile court and was a high school honor student. I lived in St. Joseph, Michigan in a good community, enjoyed the strong support of family, and was involved in various extracurricular activities.

I have maintained my innocence for the crime since the day of my arrest. My innocence, however, is not the subject of this letter. I did not compose this letter to re-try my case in the court of public opinion, rather I want to bring to your attention a broader issue that is adversely affecting our youth and threatening their future.

I was the first juvenile in Berrien County to be tried and sentenced under the October 1988 law which authorized prosecutors to automatically transfer juveniles to adult court and try them as adults. My refusal to admit guilt to a crime I did not commit resulted in me receiving the aforementioned sentences amid a barrage of print, radio and television media publicity. The sentences I received have been cited in various reports as one of the most egregious cases of injustice against a juvenile.

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7

The American Psychiatric Association (APA) is comprised of 35,000 premier psychiatrists from across the nation. In a position paper released in 2005 titled "Adjudication of Youths as Adults in the Criminal Justice System," the APA called for an end to the deplorable practice of transferring juveniles to adult court for a number of reasons, one which precluded the transfer of first-time juvenile offenders to adult court.

The APA is a highly respected body of medical specialists who establish and maintain guiding principles for the nation's field of psychiatry. (Please see [http://psych.org/about\\_apo](http://psych.org/about_apo) for more information about the APA). Their recommendations have strongly influenced the criminal justice system and legislative bodies across the country.

In recent years a large corpus of research has emerged reflecting that the teenage brain is not fully developed. The brain is actually undergoing a pruning process during the adolescent years in the executive area of the brain that controls decision-making and planning, among other critical things. Science has conclusively proven that teenage brains are incomplete and do not fully develop until well into a person's 20s. Thus, adolescent brains are incomplete, rendering adolescents incomplete people with limited cognitive abilities by scientific and medical standards.

If an adult functions with the mentality of a person 17-years-old or younger, that person is deemed mentally unfit to stand trial in most cases. But when a person 17-years-old or younger commits a crime, courts across the state are determining that person has been transformed into an adult. There is something gravely wrong with this faulty logic.

The APA are medical professionals who have reviewed the research which has conclusively established teenage brains are not fully formed, they are undergoing significant changes during that time, and no doctor can predict future dangerousness, or amenability to treatment, of a person with brain not fully formed.

Adolescents are not the same people in days, weeks, months, and especially years after their crimes were committed. There is no proven nexus between extinguishing the light of hope in adolescents committed to prison and the prevention of crime. Adolescents do not even have the capacity to comprehend crime deterrence and formulate long-term planning. Their sense of time alone is not within the realm of normal functioning adults.

Courts and legislatures have respected the opinions of the APA when creating and imposing laws. Psychiatrists evaluated each juvenile sentenced to life without parole prior to sentencing. I urge this honorable legislative body to adopt the current position of the APA about the transfer of juveniles to adults court based on their years of research, and join the rest of the world as they continue to embrace evolving standards of decency in civilized societies.

Implicit in the APA's position opposing the transfer of first-time offenders to adult court is desisting the practice of imposing life sentences without the possibility of parole as well; a veritable death sentence in this state. Without the transfer of juveniles to adult courts in this state, there can be no imposition of life without parole sentences on juveniles.

Michigan was the first state to abolish the imposition of the death penalty in the western hemisphere. The United States now stands alone as the only nation in the western hemisphere to impose life sentences without parole on juveniles. Let us come together to abandon another one of the world's

relics of the ancient past by desisting the draconian practice of imposing life without parole sentences on juveniles as well.

We are a nation "under God" and in God, we do indeed trust. These words are prominently displayed in our capitol building, legislative chambers, and courtrooms. The protection of our children and adoption of sound public policy which focuses on the rehabilitation of children is commensurate with

our belief in God. Abandoning the concepts of redemption and rehabilitation contravene our belief in God and having God as the cornerstone of our decision-making.

We can utilize this discussion as an opportunity to restore God in His rightful place in the decision making process that affects the trajectory young people's lives may take. To not infuse this dialogue with the spirit of righteousness is tantamount to removing God from the equation all together.

It is my fervent prayer that this honorable legislature abolish the imposition of life without parole on juveniles and restore dignity to the way juveniles are treated by the criminal justice system. In so doing we can rescue a generation of youth and help realign the moral compass that has allowed us to demonize them and treat them as pariahs.

Sincerely,

A handwritten signature in black ink, appearing to read "Efren Paredes, Jr.", with a stylized, cursive script.

Efren Paredes, Jr.

#203116

G. Robert Cotton Facility

3510 N. Elm Road

Jackson, MI 49201

## **Daniel Bay**

Age at Conviction:  
17

Conviction: First  
Degree Murder

Sentence: LWOP  
(1993)

Time Served: 14 ½  
years

**Current Age: 31**

SCL  
ATTN: Hearings  
P.O. Box 313  
Lake Orion, MI 48362

K.D.A. Daniel Bey, #165805  
Ryan Regional Facility  
17600 Ryan rd.  
Detroit, MI 48212

December 21, 2007

To whom it may concern:

I am writing in response to the request for written/oral testimony in support for the Second Chance Legislation for Juveniles bills.

My name is Kyle D.A. Daniel Bey. I am a juvenile lifer, under a First Degree Murder Charge. I have been incarcerated for 14 1/2 years, 3 1/2 months after my 17th birthday in 1993. I am now 31 years old,.

What can I say that hasn't already been said? What words can I offer that would make a reasonable person believe, that I deserve a second chance, after such a horrendous action on my part. There aren't any. Still if I were to refuse to try; to not attempt to get you, the people hearing these words, to see that I am not longer the person who committed that act. Then I would truly deserve to spend the rest of my life here.

I freely admit, the choices I made on that dark night will forever be a part of me, and obligate me to a lifetime of atonement. I freely admit that I caused irreparable harm to many people, most of whom I probably don't even know. And for that I truly and sincerely apologize. I don't ever expect to be forgiven for my actions, but I hope that I can be allowed the opportunity to try to atone for them. And it is for that opportunity I am writing today.

I agree wholeheartedly that a juvenile should not be held to the same standards as an adult for any action which they commit. It wouldn't be fair, nor just. I wasn't allowed to make adult decisions as a juvenile. Meaning vote, join the military (although I had started the process), or any of a number of other decisions which our society deem that only adults should make. Yet, under the law I was not given the same consideration when I violated the law. The double standard must be made equitable. I was thrown away, when every other indication showed that I could have been rehabilitated. Instead I was forced to do that rehabilitation on my own, without the help which would have made me a more responsible and desirable citizen a long time ago.

I have had to examine myself and remold who I am without a guidebook, and without someone to help me from making avoidable missteps in my development. It took ten years to affect a transformation in my heart and mind which could have happened in two (2) or three (3) with



the proper guidance. I could restate all the sociological and psychological reasons why our society has come to such a state. But would it really matter? We all know that our children are being destroyed at an alarming rate and I was just part of the first wave.

I support these bills, not just for my own sake, but for the sake of those who would be thrown away after me. I support these bills because I know men who have made profound changes in who and what they are, fundamentally, and these bills are probably the only chance which they will ever see to show the rest of the world what they have done.

I owe a debt. I owe it to myself, my family, my community, to the family of the deceased, and most importantly to a young man named Edward "Eddie" Marshall. I owe him more than I could ever repay. But that debt cannot even begin to be paid with me forever caged behind bars from the people who that debt is meant to be paid to. The next generation. I have studied everything I can get my hands on. I work constantly to try to educate and motivate those in whose company I find myself. But my real stock, my real influence isn't in here. It is out there, with those young people who are thinking about making the same mistakes I did. Who are deciding to pick up that gun, to deal that crack, to rob a person, or steal that car. That is who will hear me and my story. That is who will take my words and embed them in their hearts and maybe decide that crime and violence isn't the way for them. There is a problem outside of the prison walls. It won't be solved by those of us who have been inside of those walls, but it would be a waste of an effective weapon if we aren't allowed out to help affect those things we can for the better. We have been given a gift here. The gift of time and reflection. Some of us have made the best use of this gift that we possibly could. I have. Allow me the opportunity to use that gift for the betterment of society, each in our own small way. Passing these bills is a step in that direction.

I could paint a picture of myself in a future so rosey and perfect that we would all be convinced it would happen. It would be an illusion brought about by misplaced hope and desperate desire. I care not to travel that road. I would rather say that I have and still work to put only my best efforts forward in order to ensure my success in wider circumstances. I have been forced to learn to sacrifice, to be patient in trying situations, to not reflexively respond to difficult situations as they appear. It is my hope that I will be given the opportunity to prove that.

Thank you for your time and willingness to listen.

Sincerely,

  
K.D.A. Daniel Bey

**DeAngelo  
Steward**

Age at Conviction:  
17

Conviction: Felony  
Murder; Armed  
Robbery

Sentence: LWOP  
(1986)

Time Served: 22  
years

**Current Age: 39**

DeAngelo Stewart #165630  
Ryan Correctional Facility  
17600 Ryan Road  
Detroit, Michigan 48212

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SCL  
ATTN: HEARING  
P.O. BOX 313  
LAKE ORION, MI 48362

December 27, 2007

In the year 1986, at the age of 17 I was charge and convicted of Robbery Armed and Felony Murder and sentenced to life in prison. At the age of 17 year old I had no idea of some of the things that I was doing. I was hanging with the wrong peoples and doing the wrong things. I committed this crime not knowing that murder was going to occurred. I was sitting on a friend porch with maybe (8) eight to (10) ten peoples and an ice cream truck pulled up, and two of the older guys who everyone looked up too, was sitting on the porch also, and when they saw the ice cream truck pull up they said lets rob him. I didn't want to say no because of who they were so I said okay, not knowing that more than robbery could occurred from this. I was given a handgun and was told to go to the truck and say this is an stick up, so I did. The man reached for his weapon (a stick) and when he reached to get the stick, I fired a single shot, not aiming, just firing, to scare him into giving us the money. after firing the shot, the man drive off crashing his truck into the street a couple of blocks down. Not thinking or knowing that the guy was dead, I enter the truck along with the other two guys, they took the money and others thing from the truck, I took ice cream. They (two older guys) gave me like a dollar in change, and I was told to get on. Later that day I heard that the man had died.

I was later pick up, not knowing the consequence of the crime that I just committed, I was again frightened by the police officers, and scared of my co-defendants, I made a statement convicting myself. When I was arrested I was unable to read and write, so the detective<sup>3</sup><sub>4</sub>

read and wrote everything for me, along with adding a little stuff himself, which he received from one of the guys I done the crime with. At trial I was still unable to read and write, the judge mention the word waiver and my attorney himself, told the judge that I didn't know the meaning to the word.

As of today I am still having problems reading and writing. I have grown from a juvenile at the age of 17 years old to the adult that I am now at the age of 39 years old. I see all the mistakes and bad guidance that I have had. I learned how to say the word "no" and I learned how to help others from making the same mistakes that I made, showing through my actions that you don't have to be a thug to be respected or to earn money. That these things can come through hard work. I learned the hard way through the mistakes I made in life, and peer pressure, I have learned that most younger peoples like myself get into trouble over a few reasons, one is that of peer pressure, letting older guys talk you into doing something that is wrong, another is wanting to be like those in the rap video's that we see, and jointing gangs, we as juveniles joins gangs because most of the kids in our community are in gangs and is afraid that if they are not in a gang they will be pick on. I was one of them kids afraid of others, what others would think of me because I couldn't afford the designer clothing, I was afraid of the older kids who was selling drugs, and usually when they ask for me to do something I would. Anyone that was older than I, I would listen too, I just wished that I would have listen to the ones who was trying to see that I go the right direction like those I knew from the church, and they have not lost faith in me, they have been here with me since 1986, making sure I stay strong and keep the faith, that one day I'll be free again and can help others that is lost, just as I was as a juvenile.

I wish that I could go back in time and correct all that I done wrong, but I know I can't, so I pray that I have a second chance at freedom, and that I can repay society, by helping our youth not to take the path I took, and let them know through school and hard

work they can do what ever their mines chooses, I pray that the  
family of the man life that was taking that they can forgive me,  
that I did not know what I was doing and had no intentions of killing  
no one.

Sincerely,

  
DeAngelo Stewart

**Christopher L.  
Mial**

Age at Conviction:  
14

Conviction:  
Unknown

Sentence: LWOP  
(1999)

Time Served: 8  
years, 10 months

**Current Age: 23**

NAME: Christopher L. Mial

AGE: 23 D.O.B. 3/10/1984

Years Incarcerated: 8yrs. 10mos.

#### EDUCATIONAL HISTORY:

I have obtained my G.E.D. at MICHIGAN YOUTH CORRECTIONAL FACILITY. I am in pursuit of taking a Correspondence Course at RYAN ROAD CORRECTIONAL FACILITY. I will be obtaining that Course (Operations Management for Small Business) through Wayne County Community College District. I have accomplished certificates of completions such as... Vocational Computer Technology, Life Skills, Substance Abuse Phase 1&2, Cage Your Rage, Vocational Maintenance Technology.

#### EMPLOYMENT HISTORY

While incarcerated at MICHIGAN YOUTH CORRECTIONAL FACILITY I obtained employment in such fields... Unit and Hallway Custodial Porter, Food Service Worker and Clerk, Recreation Porter, Store Worker. At SOUTHERN MICHIGAN CORRECTIONAL FACILITY (J.M.F.) I was employed as a Dietary Food Service Worker At RYAN ROAD CORRECTIONAL FACILITY (R.R.F.) I am currently employed as a Unit Custodial Porter. Throughout my employment of incarceration I received numerous satisfactory work evaluation reports.

#### ORGANIZATIONAL PARTICIPATION

I am not currently involved in any actual committee, but I am a full supporter of their actions to help better citizens, as well as prisoners once they are released back into society.

I participated in creating a program called C.O.R.E. (Changing Our Reality Everyday). C.O.R.E. is a universal committee of men who are dedicated in equipping prisoners with morals, values and skills that will assist in their transactions into society. C.O.R.E. encourages all young men to participate in the program. Each year more and more young men enter prison and return back into society with the lack of basic skills and values to be successful. This leaves them with less options, limited jobs and

if ever given a job the pay will be minimum wages or less. Without programs like C.O.R.E. the limited options could lead them back to prison.

#### PLANS AND GOALS


My goals include regaining back my physical freedom so that I can become a productive member of society. Upon my release to society my plans are to enroll myself in VIRGINIA FARRELL school of Cosmetology. I plan on seeking a career in Cosmetology where I have extensive knowledge and have great skill in that field.

Since I strongly believe in restoring my community I plan to start or be part of an existing organization that is geared towards helping the youth. I am truly remorseful for the actions I took part of within my case, so it is my desire to help at-risk children to avoid the same mistakes I made as a troubled youth which lead to my confinement. Upon my release I plan to continue delivering the message of peace and hope in order to try to reach some of the youth in hope of inspiring them to strive for more out of life and not always be content with the everyday norm.

#### SUPPORT SYSTEM

I have a host of family and friends who have supported me throughout my incarceration and are willing to continue to give me all the support I need to adjust back into society. I will be living with mother: GAIL ANDARY, step-father: GEORGE ANDARY. Along with the support of my brother's: ERIC ANDARY, GEORGE ANDARY Jr., CLIFTON MIAL, sister: MARCELLA MIAL, aunty's: SANDRA MIAL, SUNSHINE SHERRILL-ANDARY, uncle's: SAM ANDARY, PETE ANDARY, OSCAR ANDARY, cousin's: DANIA MIAL-BAIN, TERRENCE MIAL, TINA KANOU, REBBECA SHERRILL. I will also have the full support from the NATION OF ISLAM (N.O.I.).

I am ready to take on life's obstacles and obtain success upon my release back into society.





## **Andre M. Calloway**

Age at Conviction:  
16

Conviction: First  
Degree Murder;  
Felony Murder (co-  
defendant acquitted)

Sentence: LWOP  
(1988)

Time Served: 20  
years

**Current Age: 36**

December 28, 2007

To: SCL

Attn.: Hearing

P.O. Box 313

Lake Orion, MI 48362

FR: Mr. Andre M. Calloway

Ryan Correctional Fac.

17600 Ryan Rd.

Detroit, MI 48212

RE: Juvenile Lifer Profile

Dear SCL,

At the age of sixteen (16), I aided a friend who had a confrontation with some guys, I shot three of them killing one. I received Life without parole for 1st Degree Murder and Felony Murder, my co-defendant got acquitted of all charges.

I am the youngest of four (4), raised in a single parent home. My mother worked most of the time so that she could take care of us. With my mother's absence in the home, I turned to the streets for attention and dropped out of school in the 7th grade. By the age of 16 I had been abusing alcohol and marijuana for several years. Doing everything unthinkable to uphold a reputation gained by selling drugs. Too young to really understand that I was corrupted and overwhelmed by the illusion of power, whatever ability that I did possess to be capable of thinking logically and making rational decisions had been depleted.

Scientific studies show that children have yet to develop and adult ability to think, weigh consequences, make sound decisions, control their impulses, or resist group pressures. That is why it is so easy for them to break the laws.

I committed a crime almost twenty (20) years ago when I was sixteen (16) yrs. of age. Since I've been incarcerated I have accomplished obtaining my GED, taking college courses, developing a strong work ethic, I have always maintained employment, gained certificates in several trades, also addressing my mental state<sup>1</sup>

by completing group counseling and becoming a certified tutor, plus I've participated in a few drug classes to deal with recovery, and overall, developing a understanding of right and wrong also knowing how to use logic. I will not end my quest to better myself.

My regrets, remorse and apologies are not because I was put in prison for my inappropriate action, they stem from me realizing that I truly did not understand and knowing that I hurt alot of people. See what a difference twenty (20) yrs. make, I guess the scientist are right.

Your time and consideration is deeply appreciated.

Sincerely,

Mr. A. Calloway

*Mr. Andrew M. Calloway*  
#208079

## **Romallis Delci Colvin**

Age at Conviction:  
17

Conviction:  
Kidnapping (all adult  
co-defendants have  
been released)

Sentence: LWOP  
(1991)

Time Served: 16  
years, 6 months

**Current Age: 23**

MR.ROMALLIS DELCI COLVIN #218394

OAKS CORRECTIONAL FACILITY

1500 CABERFAE HWY.

MANISTEE, MICHIGAN. 49660

TO WHOM IT MAY CONCERN

Greetings, may this letter find you in the best of health, mentally as well as physically!

I am writing you in concern of the Juvenile Bill. I received a memo concerning this matter and I fit under this Bill. I was arrested at the age of 17 years old and was convicted of Kidnapping and sentence to LIFE WITH PAROLE. I had never been to prison before, only adult record I had was for receiving and concealing. I was convicted along with 5 other Co-defendants and was the youngest out of all of them, and each one of them had adult records, cases pending, on probation, had been to prison, and each one of them took pleas from 10-20 years beside one other and me. All of them are out and have been out for nearly 5 years or more, it has been 16½ years for me now. At the age of 17 years old I was arrested and at that time I was a boy among man. I was young, did not know the system, but being in prison and basically growing up in here has taught me a truly hard lesson of life. As a child we do and think as a child, we do not understand the importance of life and love ones, and as we become older we grasp the true meaning of life. After 16½ years a person has done the time and paid the price. I feel I truly deserve the chance to be placed back in society and rebuild my life as a man now. No life was took in my case, no kids or women was harm, and I was sentence to the max as a child. I never had the opportunity to grown in society. When I was arrested two weeks later my daughter was born and she is now almost 17 years old. I never had the chance to be there for her, watch her grow, help her in school, just be a parent to her. I feel this Bill needs to come into effect to give guys like us the chance to have a chance to regain our life back. Thank you so much for your time and understanding, Thank you!

SINCERELY

M. Romallis Delci Colvin

## **Tony Angel Ruiz**

Age at Conviction:  
15

Conviction: Second  
Degree Murder

Sentence: LWOP  
(1992)

Time Served:  
years

**Current Age: 32**

Dear Ysabel Benajam,

1-06-08

Hello, my name is Tony Angel Ruiz. I'm a hispanic Male, serving 40-65 yrs for the crime of 2nd degree Murder. I have been incarcerated since Oct 4th 1992. I am 32 yrs. old, and I was convicted, and sentenced at the age of 17 yrs old. I had committed my crime 150 days after my 17th birthday. I hoping & praying that this bill "Second Chance legislation" is passed, so it will give me, and others a second chance in society. My family should be contacting your organization soon. By no means am I innocent of my crime. On Oct 4th 1992 I hit another man one time in the head with a baseball bat at a party. We had exchanged words which led to the argument. In my own ignorance, the thought of killing ~~a~~ a person never entered my mind. So when I hit him, I figured that it would knock him out. But he ended up dying. It does break my heart every day of my life, knowing that I took a man away from his family. I did it out of anger, and stupidity. I am praying for a second chance, because at the age of 32 yrs, I'm not the same foolish young man I was at the age of 17 yrs. I am hoping you would give me, or send me

(2)

any information concerning this bill. I do have a lot of family & friend who are law abiding citizens, who are willing to help me by any means possible, if I were to come home sooner ~~that~~ than my sentence is up. I do thank you for all that your organization is doing to help me, and many others who have changed, and will like a second chance in society. Thank you

230141

Tony Angel Ruiz



**Charles Robert  
Dziuba**

Age at Conviction:  
15

Conviction: Second  
Degree Murder

Sentence: LWOP  
(1982)

Time Served: 26  
years

**Current Age: 41**

## JUVENILE BILLS PRISONER PROFILE



Charles Robert Dziuba

MDOC Number: A-173308

Date: April 28, 1982

County: Bay County

Offense: Second Degree Murder

Term: Life Imprisonment

### CHARLES ROBERT DZIUBA

Charles Dziuba, at 16 years-old, along with a 22 year-old suitor of his mother, killed an older man by suffocation in the bedroom of a home in Monitor Township, Michigan. The murder, strangely enough, was done only at the instigation and direction of Mr. Dziuba's own mother. She hoped to benefit financially from the killing.

Mr. Dziuba was waived as a juvenile and pled guilty before the Honorable Eugene C. Penzien, Bay County Circuit Court Judge, to a second degree murder charge. Judge Penzien sentenced Mr. Dziuba to a term of life imprisonment. Judge Penzien noted the unusual circumstances of this case and concluded Mr. Dziuba was clearly amenable to treatment programs and would be eligible for parole after serving 10 years of the life sentence. Mr. Dziuba, 25 years later, remains in prison due to the infamous Michigan Parole Board policy that "a life sentence means life imprisonment".

It is beyond question that Mr. Dziuba's impressionable youth and expectation of motherly approval and affection was his only motivation for committing this crime. It is certainly self-evident the killing would not have occurred absent the authoritative influence of his mother. Nonetheless, Mr. Dziuba was not convicted of first degree murder, which might warrant him serving the remainder of his life in prison. Yet, that is exactly what will occur in this case if this juvenile

## **John Polick**

Age at Conviction:  
18

Conviction: Felony  
Murder

Sentence: LWOP  
(1975)

Time Served: 31  
years

**Current Age: 50**

“My judge ruled out malice on me, and stated **his hands was tied, he had no other alternative at that time but to give me that sentence.** But he was hoping for a change in the law that would allow him to bring me back into his court, and fashion a sentence he believed was more appropriate. Because he felt I should only serve 10 to 12 years at the high end.”

John Polick 144798  
Ionia Maximum Facility  
1576 Bluewater Highway  
Ionia, Michigan 48846

The Honorable Alan Cropsey  
State Senator  
State Capitol  
P.O. Box 30065  
Lansing, Mich. 48209-7536

Feb. 5 07

RE: Grand Rapids Press Article dated 1/4/07.

Dear Senator Cropsey,

My name is John Polick and I am serving a non-parolable life sentence in the M.D.O.C. I have been serving this sentence since November 1975. And have served over 31 years to date.

I felt compelled to write after reading a quote that was attributed to you in a recent article in the Grand Rapids Press, dated 1/04/07.

I was sentenced to a Felony- Murder Conviction, which carries the same sentence as a First Degree Murder Conviction. Although, the crimes are very different.

I was involved in a Breaking and Entering where no weapons were involved. I was outside the residence and entered when I heard a scream from within. I entered and found my co-defendant beating the homeowner. I made him stop the beating and leave the home. I did help him carry out property as we left. The homeowner died a week later from a heart attack as she was checking out of the hospital.

I want to make it clear that I did wrong and I did deserve to come to prison. But in no way did I deserve a natural life sentence for my crime. My judge ruled out Malice on me, and stated his hands was tied, he had no other alternative at that time but to give me that sentence. But he was hoping for a change in the law that would allow him to bring me back into his court, and fashion a sentence he believed was more appropriate. Because he felt that I should serve only 10 to 12 years at the high end.

My question to you, is it your opinion that anyone serving a First Degree Murder sentence should not be considered by the Governor for commutation or release?

(over)

There are many men and women serving Felony-Murder convictions in this system who actually did not kill anyone. Instead they received there sentence of a non-parolable life sentence based soley on participation in an under lying felony, in many instances without ever having a finding of malice.

Our supreme court in "PEOPLE vs. AARON" abolished the felony-murder doctrine many of us were convicted under back in the 70's. Saying it was unconstitutional. So i am just asking you to consider that everyone who is serving a first degree murder sentence should not all be looked at in the same light. Those of us convicted of Felony-Murder, are listed by the M.D.O.C. and the Parole Board as first degree murder. But there is a great difference in how the law was applied, and how those convictions came to be for many in my situation.

I apologize for the length of this letter, but do hope to hear back from you, and what your thoughts might be. In fact i would like to share some further info with you and perhaps get your thoughts on a few pending bills, and one that will be submitted in a month or so that will pertain to those convicted of felony-murder prior to 11-20-1980.

Respectfully Yours,

“During the investigation, evidence and statements revealed John Polick’s participation appeared to be more with the actual Breaking and Entering rather than any involvement in inflicting harm whatsoever on the victim . . .”

Carl W. Solden  
Former Police Officer

Carl W. Solden  
5200 Civic Center Drive  
Waterford, MI 48329  
(248) 674-6201

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November 19, 2007

onia Maximum Facility  
576 W. Bluewater Highway  
onia, MI 48846

To Whom It May Concern:

Having received a request from Mr. John Polick for information regarding a homicide Mr. Polick is currently serving a life sentence in the Ionia Correctional facility for; I would like to make the following comments.

I, along with former Sgt. Richard Finkbeiner of the Waterford Township Police Department, was the investigator of this case. We have both since retired several years ago.

During the investigation, evidence and statements revealed John Polick's participation appeared to be more with the actual Breaking and Entering rather than any involvement in inflicting harm whatsoever on the victim Miss. Perkins.

Prior to commencement of the trial, the Polick brothers were offered a plea arrangement by the Oakland County Prosecutor's Office where as Tom Polick would plead to the actual murder charge thus John would be offered a reduced charge of Breaking and Entering. John Polick is Tom Polick's brother and the trial commenced with the actual murder convictions for both brothers.

Sincerely,



Carl W. Solden

Former Police Officer

Current Charter Township of Waterford Supervisor



**Darrell V.  
Johnson**

Age at Conviction:  
16

Conviction: Armed  
Robbery; Felony  
Murder

Sentence: LWOP  
(1977)

Time Served: 31  
years

**Current Age: 47**

Nov 26, 2007

## New Second Chance Legislation for Juveniles

I am writing on behalf of myself, but I would like to first address the panel for their thoughts and kindness for introducing this bill on giving myself and others a second chance at life. I was sixteen years of age at the time of this offense occurred in 1976. I'm forty seven now. Looking back on that year, I was not thinking right when the day came, when I let someone talk me into going to do a crime to be accepted as a friend, in wanting to be part of the crowd. I was inside a dwelling when the police were called where I was shot. I had never been in any steps of trouble with the law. Later that next morning in this prison ward at the hospital, I was informed, I was being also charged with murder. I didn't at the time know actually what that meant, until I was in front of a juvenile judge and she informed me I would be tried as an adult for having in my possession a weapon that was used in a shooting twenty four hours prior to my arrest. My life as well as my family turned into darkness as well as shame. Here I was a young kid and I had to be sent to Recorder's Court and tried as an adult. After the jury came back with a guilty verdict I looked at the judge and started crying. I knew if I didn't get an appeal in that brief reading from the judge, my life was gone. I was to see my daughter finish school, watch my brother and sister grow up. Standing at my father and mother the look on their face still bothers me to look up why. How did I get involved with the people. I was hanging out with Looking back on it, I keep asking myself that till this very day. That was one of the dumbest things I did when I put my hand on that gun that when at the time I thought was my friend. I was sent to Michigan Reformatory where I would get three years

page 2

had to fight and not show weakness, cause guys there didn't care if you were septuagenarian fought but was also scared I had plenty of guys try to take things from me threaten me for sex etc. It was sheer nightmare. So after being there for a while, I was sent to Michigan Training Unit. When I asked for a dentist in Leavelle how to make molds for teeth. Then one day the warden there call me to his office and told me, that a lot of staff members, spoke up for me after I told them my reason for being locked up. The warden with his blessing let me become a service car driver, when I was allowed to leave the prison on my own to work outside the prison I was twenty-five. Right then I knew the value of life and regretted, I had to be locked up for life. I was taken down to the secretary of state building. Where I had to get a drivers license to drive state cars. I was a free man from eight in the morning till four o'clock in the afternoon. I held the job for over two and a half years, then the program was stopped on letting life outside the prison. I will never forget the taste of that freedom. I think that's what kept me from not cause harm to myself till this day and never young guys types. Plus a hand full of staff members believing in me and gave me a chance in society. Now here I am middle aged and praying that I can have that chance again to go out in society and be a productive citizen work and watch my grand kids grow up. I've been hard for me over these years, but I kept my faith knowing I got life. But thank you for the people supporting and having the issue of the second chance. I have a ray of hope again to one day be able to walk out of prison as a free man. I would like to say on closing I would like to thank the people at the hearing. May god continue to bless all of you!

Sincerely  
Rueben V. Johnson #156362

## **Kenneth Kelley**

Age at Conviction:  
17

Conviction:  
Unknown

Sentence: LWOP  
(1989)

Time Served: 19  
years

**Current Age: 36**

December 26, 2007

Delora Labelle,

I'm writing you to express my sincere appreciation for your continuous support of juveniles with life w/o parole. And to share the personal growth I've made.

I came to prison a convicted mess. Uneducated, unstable emotionally and with the thought that the world was against me. Being in jail more years than I've been free usually make a person settle into the environment and go along with the chaotic flow. They say that years in here slowly wears you down. Being surrounded by so much hopelessness its a miracle that its not contagious. Well maybe it is, but my vaccine is to be better than the convicted mess I came in as.

My actions as a 17 year old lives with me each and everyday. I probably couldn't express the felts of my remorse unless a gadget existed that weighs emotions. It took years for mind, body and soul to register the finality of death. Only with this understanding came the greatest appreciation of life.

On 2/09/07 I was alarmed by a distressed state in our unit by ARUS Lane. I ran to see what was going on only to be confronted by another prisoner holding a shank. His aggression initiated my response and a physical altercation ensued, which resulted in me disarming him. The staff response tear arrived and cuffed us. I was placed in segregation pending an investigation of the staffing that took place by the armed prisoner on a different inmate. The unit officer Mayfield and ARUS Lane informed the administration verbally and in written statements that my actions saved their lives by disarming the guy. Eight days later I was released from segregation without any disciplinary charges. I had sacrificed my life to eventually gain what I now call redemption. That I stand up for myself for doing what was right. I recognize that I was doing good and extraordinary. I still have a great deal of love and respect for the staff of my family visiting support. The staff in the unit

wishes to talk about this incident. I know the odds of me to prison were high. I know the chances of me fitting were even greater. But armed with a sense of self education, and how precious breath is, I am more than I firmly say that I am one of the odd balls in here. I from taking a life to saving lives. That's how I kn changed!

P.S. Included is a copy of the "Letter of Exemplary/Mer Act" written by ARUS Lane for documentation.

Sincerely  
K. H. L.

## MICHIGAN DEPARTMENT OF CORRECTIONS

### Letter of Exemplary/Meritorious Act

To: Inmate Kenneth Kelley 225000

From: ARUS Wendy Lane Supervisor of Unit 200 alpha Mound Correctional Facility.

On February 8<sup>th</sup> 2007 in Unit 200 alpha at the Mound Correctional Facility a stabbing occurred in my office. I was in my office along with inmates Machacek 196785 and Shannon 190647 when inmate Lott 300042 charged in the office doorway with an 8 inch shank held over his head and immediately began stabbing inmate Shannon causing him to crash into my desk and computer and fall to the floor. Inmate Lott then continued to stab inmate Shannon. Myself and inmate Machacek attempted to stop inmate Lott who is a very strong and muscular man. Inmate Machacek struggled to get inmate Lott off inmate Shannon and stop the stabbing which was still occurring. Inmate Machacek placed his life in danger to save the life of inmate Shannon and also to assist me. Myself and inmate Machacek could have been stabbed trying to save the life of inmate Shannon.

Inmate Machacek was able to pull inmate Lott back from inmate Shannon. Inmate Shannon was able to exit my office only to be chased on base by inmate Lott who then attempted to stab inmate Shannon again. Inmate Kelley 225000 who was on the base then attempted to disarm inmate Lott who still had the shank in his hand. A struggle ensued between inmates Kelley and Lott. Inmate Kelley could have also been killed in this incident by his choice to assist myself and R/O Mayfield who were also on the base floor at this point struggling to disarm inmate Lott. Other staff arrived to assist and inmate Lott was disarmed.

Inmate Christopher Machacek 196785 is my second shift office and bowtie area porter and inmate Kenneth Kelley 225000 is my first shift office and bowtie area porter. Myself and my Husband along with my family are very thankful for the assistance that Christopher Machacek and Kenneth Kelley gave to me on this tragic day. These two men did not only an exemplary meritorious act but in my eyes a honorable act. I am fully aware that I could have been killed that day trying to aid an inmate which is my job, however no rules bound inmates Machacek and Kelley to act but they chose to do so anyway and such an act should be documented and recognized.

Sincerely,

*Wendy Lane*

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**Richard Allen  
Simmons**

Age at Conviction:  
16

Conviction: Murder

Sentence: LWOP  
(1986)

Time Served: 22  
years

**Current Age: 38**





Richard, far right, at 15



Richard at 36

## **Written Testimony of Richard Allen Simmons # 189585**

**I was arrested in 1986 for the murder of Geraldine Grams. At the time of my arrest, I was sixteen years old. I was a sophomore at Pine River High School in Leroy, Michigan.**

**Along with my younger brother Lonnie, I was raised by my maternal grandparents, Robert and Helen Wilson. My parents were unable to care for me and my brother due to drug and alcohol problems.**

**My life was good during the period I lived with my grandparents. I did well in school, participated in sports and spent many days either hunting or fishing with my brother, Lonnie.**

**In 1984, my grandmother became very ill and was hospitalized. She passed away on my grandfather's birthday in 1985. This was devastating period for all of us. My grandmother was the glue that held our family together.**

**Shortly after my grandmother's death, I slipped into a sea of hopelessness. I turned to drugs and alcohol to help ease the pain of my loss. As I looked back on that period of my life, I now realize it was the beginning of the end for me.**

**I am not using the loss of my grandmother or my abuse of drugs and alcohol as an excuse for my actions. I have only myself to blame for my actions that night. When I reflect back to my youth I can see where my where I took the wrong turn in my life.**

**The court appointed a psychiatrist at my Waiver of Jurisdiction hearing. The psychiatrist testified at my hearing that I was a boy with a strong conscience. If I had been 15 he would not have recommended that I be tried as an adult. Even with me being 16, he still had serious problems with me being tried as an adult. The Probate Court facing a difficult decision waived me to stand trial as an adult. I was subsequently tried, convicted,**

**I will remember my first day in prison for the rest of my life. It felt as if I were in a dream. I learned very quickly that it wasn't a dream, but a never ending nightmare. I spent several weeks in quarantine before I was transferred to the Michigan Reformatory, also known as Gladiator School.**

**My first day there I learned why MR was called Gladiator School. I watched a prisoner stab another with a knife so large that it went into his neck and came out of his armpit. The prisoner was dead before he hit the ground. This would be the first of many stabbings, rapes, and robberies that I would witness.**

**My story could've very well ended there with me becoming another angry, disillusioned, abandoned child of society. However, through the grace of the Creator, I chose another path. I chose the path of rehabilitation. This is not to say that I haven't gotten into trouble during my incarceration, because I did. I accept full responsibility for my early misconducts. I am proud to say I have been free of misconducts for over 10 years.**

**My rehabilitation accomplishments include: getting a G.E.D., scoring in the top 10%; attending two semesters of college, maintaining a 3.5 g.p.a.; completing several vocational trades, including several in the Horticultural field; completing Alcohol, Narcotics, and Emotions Anonymous and the development of good work ethics.**

**Upon my release, I will marry my fiancée, Theresa Villarreal. Theresa is an amazing woman who has taught me the true meaning of being a man. She owns a successful business in which I will be able to obtain employment. She lives on 20 acres in Fremont, Michigan which will allow me a place for a successful transition into the community. These opportunities will allow me to become a productive member of society.**

**To ensure my success, I will attend outpatient therapy with Theresa. We both realize that I will need help in adjusting to the changes of society. I will also try to work with the Native American community to break the vicious and devastating cycle of alcohol and substance abuse. I will have the support of my brother and his family. As well, I will have the support of my friends, Rev. Robert and Sally Kahly.**

**In closing, I will never forget the devastating impact that I had on Ms. Gram's family, my family and friends. I will always carry this burden with me forever. I now only ask for the opportunity for a second chance of being a productive member of society.**

## **Chris Hansen**

Age at Conviction:  
17

Conviction: Felony  
Murder

Sentence: LWOP  
(1973)

Time Served: 35  
years

**Current Age: 51**



Chris at 16 years of age



Chris at 51 years of age

### Written Testimony of Chris Hansen #139918

I was imprisoned at age 17; I am now 51 years old. In 1973, during a home break in, I took a life. I was convicted of Felony Murder and sentenced to Life without Parole. In 1977, The Michigan Court of Appeals remanded me back to the trial court to be resentenced to 2<sup>nd</sup> degree murder.

At the resentencing, I requested that my sentence be for a number of years. Judge Halford Streeter resentenced me to 2<sup>nd</sup> degree life with parole. He told me that he was doing me a favor. He stated I would be released after serving 10 to 15 years. I am now in my 35<sup>th</sup> year of prison.

I have completed all the programs recommended for me. These programs include: completion of G.E.D; attained an Associates Degree in Applied Arts and Sciences; completion of several vocational programs in welding, building trades, custodial maintenance, and is certified as a pesticide applicator. I have completed substance abuse and group counseling programs. I have completed job seeking and Strategies for Productive Thinking classes.

In 1989, I received a commendation from the MDOC Director, Robert Brown. This commendation was for a pilot program I was involved in for learning disabled children. I did the background music for books on tapes.

I studied and taught painting, woodworking, ceramics, and leather craft while working in the hobby craft program. In the early 80's, I worked as a music teacher's aide in Jackson's music program. I have become an accomplished musician since being in prison. I continue to be involved in the music program today while at Muskegon Correctional Facility. I not only play music, but volunteer in the repairing of the facility's music equipment.

I also taught myself basic electronics. In 1990, I was hired as the electronics repairman at the Riverside Correctional Facility. I have been employed as the officer and prisoner's dress-out tailor. I would tailor officer uniforms and prisoner's release clothing. I learned the art of staining, toning, and lacquering office desks while working in the furniture factory.

My psychological reports from 1974 - 1977, stated I was extremely immature for my age. I am still serving a prison sentence for an offence I committed in 1973, when I was only 17 years of age. I have grown up in prison. It has been a struggle without relief. I have always felt I deserved to pay for the crime I committed. I have done that. I have been able to come to terms with the crime I committed as a youth. In the past 2 years since the U.S. Supreme Court decision in the *Roper v. Simmons* case, I have hope that I will be allowed a second chance at being a productive member of society.

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## **Anthony Bonelli**

Age at Conviction:  
17

Conviction: First  
Degree Murder

Sentence: LWOP  
(1989)

Time Served: 19  
years

**Current Age: 36**

Anthony Bonelli #209814  
Boyer Road/Carson City Correctional Facility (DRF)  
P.O. Box 5000  
Carson City, MI

December 12, 2007

Second Chance Legislation  
ATT:Hearing  
P.O. Box 313  
Lake Orion, Michigan 48362

Dear Representative Paul Condino,

My name is Anthony Bonelli. I have been incarcerated now going on 19 years. In 1989, I had just turned 17 years old when I committed this crime of first degree murder. I am serving life without the possibility of parole.

At the age of 17 I knew nothing of life nor it's real value. As most 16-17 year old's, our thoughts were always centered on having a good time and not thinking on our future. I grew up without a father and was mentally, emotionally and physically abused by a step-father during the young years between 10-16. Those abusive years left me ruined emotionally and mentally to where I had to eventually take medication.

In 1989, I had a girlfriend, and as most teens, I was also seeing another girl. My girlfriend found out and told me to kill the other girl in order to prove my love to her. This is what I am convicted of.

I am very remorseful for what I have done 19 years ago and the many lives that were affected by my actions. The guilt and shame will never go away for as long as I live. However, Through out the years of incarceration, I have grown from a 17 year old youth who found it hard to function in life because of the many emotional problems that I was experiencing, to a 36 year old man who, in time, have pulled himself together.

Upon coming to prison, I have completed Assaultive Offenders class, I have earned my G.E.D., I have also personally paid for my own paralegal course in which I have received a diploma. I have been through porter training, I have been a part of The National Lifers Association, I have remained ticket free for several years and continue to maintain employment with excellent work reports from staff.

However, I feel that I am just wasting away in prison. I am guilty for what I did, however, I know for a fact that I am not the same person I was when I was 17 years old 19 years ago. I don't think nor act the same. I have matured not only in my physical physique, but also in my way of thinking and my perspective in life. According to the current law, If I live to be 90 years of age, that is how much time I will have to do. What a prospect to consider! Where is the hope in this? I sure would not want to live in prison from 17 years of age to an age of 70 or 80 years.

I am hoping for a second chance in life so I may become a positive and productive member of society. I would love to further my education out in the free society and learn a trade. 10

want to prove to the world that I am a changed person as my record reflects.

With these thought in mind, I pray that the appropriate House Bills are passed to help people like myself who are truly different people from when they were young kids. May God bless your endeavors and all those who are fighting for us to receive a second chance in life.

Respectfully Submitted,

*Anthony Bonelli*  
Anthony Bonelli



## **Alexis Ayala**

Age at Conviction:  
16

Conviction: Felony  
Murder (**two co-**  
**defendants**  
**served no time**)

Sentence: LWOP  
(1990)

Time Served: 18  
years

**Current Age: 34**

ALEXIS AYALA #225535  
MUSKEGON CORRECTIONAL FACILITY  
2400 S SHERIDAN ROAD  
MUSKEGON, MI 49942

December 19, 2007

ATTN: HEARING  
P.O. BOX 313  
LAKE ORION, MI 48362

RE: JUVENILE BILL HEARING

My name is Alexis Ayala, I was sixteen when I was convicted of Felony Murder. There were four involved in this crime but I was the only one that was sentenced to life without parole. Two of my codefendants did not do any time. The other one did five years. I understand that this was and is a horrible event that occurred and if I truly could I would turn the clocks of time back and undo this. But this is impossible. All I can do is make sure that even though an individual whom I did not know tragically lost his life over something senseless and stupid by some youths, I now can try to make it up by being a better person, maturing and developing my mind and spirit.

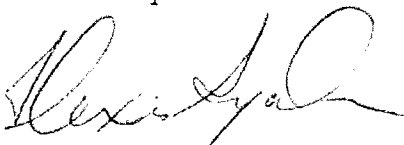
Since my incarceration in 1990 I have been studying as much as possible about philosophy, psychology, metaphysics, and others diverse subjects. Prison did not offer me these curriculums but I sought them out myself. Many people asked me from here why did/do spend my time acting well and in accordance with the laws and rules of prison when I have life without parole. What I tell them is that I owe it to myself and even the victim to do better. But what good is it if I do not get the chance to redeem myself in society?

I appeal to the good nature of yourself to see that as an individual who came to prison at the age of sixteen, I am no<sup>7</sup><sub>3</sub>

onger the same person. my family and friends can accept to this. recognize that I was not only extremely wrong but it seemed like I was living in fairy tale. Something that was written up by movie industries. People can change and be better person only if people believe in them and give them a chance. As a juvenile someone could say that we were given a chance. But were we truly given a chance? Everyone is an individual and you must look at the system of all around the juveniles and see that for the most part it is a failing system. Teenage drinking, drug use, and many crimes are being committed by juveniles. Are we to lock them up and throw away the keys? Is this where our society has come to? We must ask ourselves do we want to loose our children who have lost themselves? If the answer in your heart is NO, then support the second Chance Juvenile Bill.

Thank you for listening and I pray for the health and well being of all.

Sincerely,



Alexis Ayala

